



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KREINDEL=2

In re Application of:)	Art Unit: 3739
)	
Michael KREINDEL)	Examiner: Ahmed Farah
)	
Appln. No.: 09/920,295)	Washington, D.C.
)	
Filed: August 2, 2001)	Confirmation No. 3901
)	
For: METHOD FOR CONTROLLING)	June 25, 2004
SKIN TEMPERATURE DURING...)	

RESPONSE TO OFFICE ACTION

Honorable Commissioner for Patents
Mail Stop Amendment
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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TECHNOLOGY CENTER R3700

Sir:

The Examiner's action dated February 25, 2004, has been received, and its contents carefully noted.

The prior art rejection presented in that Action is traversed for the reason that the novel system and method defined in the rejected claims is not disclosed in the applied reference.

Parent system claim 1 defines a surface radiation assembly for irradiating a region on the surface of the skin with electromagnetic radiation, a surface electrode assembly for applying a voltage to the skin, an electrical meter that measures an electrical response of the skin across the electrodes and a processor configured to adjust a value of a

parameter of the electromagnetic radiation based upon a measured electrical response to a voltage applied across the first and second electrodes.

Method claim 11 includes a positive recitation of corresponding steps, including a step of adjusting a value of a parameter of the electromagnetic radiation based on the measured electrical response.

As already pointed out during the examination of this Application, the applied reference, Shadduck, discloses an arrangement in which the skin is treated only with RF energy, with electromagnetic radiation being employed only to prime the tissue for the RF treatment. When the system disclosed in this reference determines from the electrical measurements that the skin temperature's too high, a parameter of the RF energy, and not of the electromagnetic radiation, is adjusted.

It is thus clear that Shadduck does not disclose a processor for, or a step of, adjusting the value of a parameter of the electromagnetic radiation based upon a measured electrical response to a voltage. For this reason alone, claims 1 and 11 cannot be considered to be anticipated by the applied reference.

In the explanation of the rejection, the Examiner makes reference to the embodiment illustrated in Figure 2 and

suggests that the description of the embodiment of Figure 2 somehow teaches that the electrode assembly is used to provide the treatment EM radiation as well as the diagnostic voltage. This, however, is submitted to be clearly incorrect.

In point of fact, the system illustrated in Figure 2 includes the separate electromagnetic radiation source 115, just like the embodiment of Figure 1. The difference between Figures 1 and 2 is that in the embodiment of Figure 2 the voltage representing the electrical response of the skin is used to control the voltage applied across electrodes 125a and 125b, rather than to adjust a value of a parameter of the electromagnetic radiation. The independent claims of the present Application were previously amended to specify that the value that is adjusted is a parameter of the electromagnetic radiation, and thus to exclude the embodiment of Figure 2.

It is therefore submitted that the reasons advanced in the Office Action to support the rejection do not correctly reflect the disclosure in the present Application and that each of independent claims 1 and 11 clearly includes a limitation that is not disclosed by Shadduck.

It is believed that the recitations appearing in claims 7 and 18 are not relevant to this issue. Even if the electrodes are the source of the radiation, the fact remains

that, according to claims 1 and 11, that which is adjusted is a value of a parameter of the electromagnetic radiation, and not a value of a voltage applied to the skin for measurement purposes.

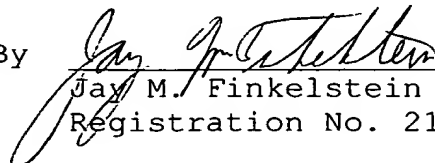
In view of the foregoing, it is requested that the prior art rejection be reconsidered and withdrawn, that the pending claims be allowed, and that the application be found in allowable condition.

In the present case, it is desired to seek at least a telephone interview with the Examiner after he has had an opportunity to consider this response. A telephone call has been placed to the Examiner to request such an interview.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


Jay M. Finkelstein
Registration No. 21,082

JMF:dtb

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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